

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES O'SHEA,

Plaintiff,

v.

E. MARTINEZ,

Defendant.

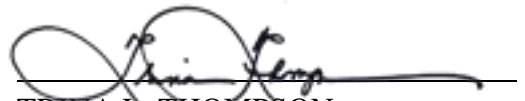
Case No. [23-cv-00047-TLT](#)

ORDER OF DISMISSAL

Plaintiff, a prisoner at the Maguire Correctional Facility in San Mateo County proceeding *pro se*, filed a civil rights complaint under 42 U.S.C. § 1983 regarding an incident that took place in April 2018. The Court dismissed the complaint with leave to amend, permitting plaintiff to file an amended complaint explaining whether he was in prison or jail for two years between April 2018 and January 2023, and whether he has any other basis for excusing the additional approximately nine months by which the complaint was further untimely. The Court warned plaintiff that if the claim was untimely filed and the untimeliness cannot be excused, it is subject to dismissal for failure to state a claim upon which relief can be granted, constituting a strike under 28 U.S.C. § 1915(g). ECF 13. The deadline has passed, and plaintiff has not filed an amended complaint. The complaint is therefore **DISMISSED** with prejudice for failure to state a claim upon which relief can be granted. The Clerk shall terminate all pending motions, enter judgment for the defendant, and close the file.

IT IS SO ORDERED.

Dated: August 9, 2023


TRINA L. THOMPSON
United States District Judge